

REMARKS

Applicant's thank the examiner for his time during our recent phone conversation. Reconsideration and withdrawal of the rejections under 35 USC §§ 112 and 102 is respectfully requested in view of the foregoing amendment and the following remarks.

35 USC §112

The examiner asserts that claim 14 provides for the use of insoluble particles but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

The examiner has rejected claim 14 under 35 USC 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 USC 101. In response, applicants have cancelled claim 14 since it is redundant in view of claim 16.

35 USC §102

The examiner has rejected claims 1-17 under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Hanauer, et al., US 4,742,039.

The examiner asserts that Hanauer, et al., teach absorbents based on organophyllosilicates that are suitable as additives for enhancing the washing action in detergents (see abstract). In light of this clear teaching of organophyllosilicate's use in detergents, the reference is anticipatory.

In the alternative, the Examiner asserts that the reference is drawn specifically to the organophyllosilicates, and though it teaches their utility in detergents, a fabric treatment composition with a carrier and phyllosilicate is not explicitly taught. Again however, in light of the reference's clear teaching of their use in detergents, it would have been obvious to one of

ordinary skill in the art to use them accordingly, and so meet the material limitations of the claims at hand. Applicants respectfully traverse this rejection.

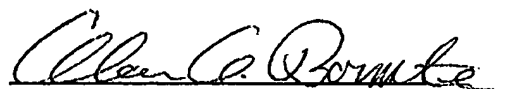
Hanauer et al (US 4,742,039) discloses organophilic phyllosilicates (and not organophyllosilicates) that are organo clay particles in which the organic species (ammonium quat) sits in the interstitial spaces between the layers of the clay. Hanauer describes that this is achieved by ion exchange, in which the charge balancing hydrogen or metal cations initially present are preferentially exchanged for the charged ammonium compounds (column 4, lines 51-55; column 3, lines 48-50). That these cations are extraneous and, therefore, not an integral part of the framework of the clay is disclosed at column 3, lines 45-48. Both natural and synthetic clays are disclosed and while a synthesis of synthetic clays is described, the person skilled in the art is taught away from introducing organic species during the synthesis, see column 3, lines 53-55. Even if the skilled person did carry out the process referred to at column 3, line 52 and described in detail at column 3, line 56 to column 4, line 33, "in the presence of small amounts of organic compounds" (column 3, lines 52-55), the organo clay resulting would only contain the organic compounds in the interstitial spaces, and not covalently bound to inorganic groups of the clay (as required by the present invention). Nowhere is a clay containing direct covalent bonds between the organic groups and the Si or P groups of the clay disclosed, only electrostatic bonds between the charged clay layer surface and the charged organic compound.

The present invention relates to water insoluble particles of layered material, which contains functional organic groups. There are "direct covalent bonds" between the organic groups and Si or P groups which form part of the layered material. The direct bonds of the present invention (i.e. Si-C and P-C bonds) are formed during synthesis of the particle itself (page 12, line 13 "during its synthesis"). The synthetic routes referred to on pages 12 and 13 produce preferred synthetic functionalized clay particles according to the present invention, which have the aforementioned direct covalent bonds. The present invention is, therefore novel and inventive over Hanauer et al.

CONCLUSION

In summary by the present amendments, claim 14 has been cancelled as being redundant. No new matter has been added by these amendments. In light of the above amendments and remarks, applicants submit that all claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,



Alan A. Bornstein
Registration No. 40,919
Attorney for Applicant(s)

AAB/ss
(201) 894-2180